

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.26677 of 2019

Date of decision: 23rd July, 2019

Mohd. Tahir

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Mohd. Tahir in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.62 dated 12.05.2019 under Section 498-A IPC pertaining to Police Station City I, Malerkotla, have come about by the wife Sabana Parveen. In her allegations, the wife claims that they entered into a wedlock on 31.10.2014 and that a girl child was born to the couple and subsequently after more than one year of the marriage, the husband started harassing the wife seeking and compelling her to give him divorce so that he could solemnize another marriage. To force the complainant to accede to this illegitimate demand, the husband stared mentally and physically harassing the wife leading to registration of the present case.

Learned counsel for the petitioner Mr. Sunny K. Singla, Advocate inter alia contends that since it is a pure allegation of cruelty to a married woman whereas allegations are under Section 498-A IPC and that nothing is to be recovered and joining the investigation by the petitioner would suffice the purpose.

Mr. H.S. Grewal, Addl. Advocate General, Punjab on instructions from SI Gurtar Singh, Police Station City I, Malerkotla, District Sangrur concedes to the facts brought before this Court but has sought to oppose the grant of bail in the light of allegations so levelled against the husband submitting further that custodial interrogation of the petitioner is very much necessary.

Appreciating the arguments of the two sides, in the light of offence for which the petitioner has been hauled up and the fact that nothing is to be recovered from him, this Court is of the opinion that petitioner's joining the investigation would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer within ten days from today and on his doing so, he shall be released on bail to the satisfaction of the Investigating Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C.

Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

July 23, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No